

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN W. GRIGSBY,)
Plaintiff(s),) No. C 08-1475 CRB (PR)
vs.) ORDER
ROBERT HOREL, et al.,) (Docket # 29)
Defendant(s).)

On April 28, 2010, defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6) on the grounds that plaintiff's complaint fails to state a claim and that defendants are entitled to qualified immunity. They attached a proposed order granting the motion, as required by the local rules.

On April 30, 2010, the clerk inadvertently stamp signed the proposed order and filed it. The order (docket # 29) is VACATED and the clerk is instructed to reopen this case.

Defendants' motion to dismiss is still pending. Plaintiff shall file an opposition by no later than June 11, 2010, and defendants shall file a reply to any opposition within 15 days of plaintiff's filing it.

SO ORDERED.

DATED: May 11, 2010


CHARLES R. BREYER
United States District Judge